

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN CAROLYN SQUIRES**, on January 29, 2007  
at 3:00 P.M., in Room 335 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Sen. Carolyn Squires, Chairman (D)  
Sen. Joe Balyeat (R)  
Sen. Vicki Cocchiarella (D)  
Sen. Jeff Essmann (R)  
Sen. Steven Gallus (D)  
Sen. Larry Jent (D)  
Sen. Rick Laible (R)  
Sen. Jesse Laslovich (D)  
Sen. Dave Lewis (R)  
Sen. Jim Shockley (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Dave Bohyer, Legislative Branch  
Lois O'Connor, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted:	SB 117, 1/25/2007; SB 247, 1/25/2007; SB 232, 1/25/2007; SB 176, 1/25/2007; SB 177, 1/25/2007
Executive Action:	SB 176, SB 177, SB 232, SB 136, SB 235, SB 11, SB 113, SB 172, SB 181, SB 239

00:02:13

**HEARING ON SB 117**

**Opening Statement by Sponsor:**

00:02:30 SEN. JOHN COBB (R), SD 9, opened the hearing on SB 117, Provide that the state pays costs involved in certain election challenges.

**EXHIBIT**(sts19a01)

**Proponents' Testimony:** None.

**Opponents' Testimony:**

00:06:55 Mark Simonich, Office of the Honorable Secretary of State

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:08:57 Sen. Jim Shockley to Sen. Cobb

00:09:50 Sen. Joe Balyeat to Sen. Cobb

00:11:05 Sen. Vicki Cocchiarella to Mr. Simonich, Secretary of State's Office

00:13:23 Sen. Larry Jent to Sen. Cobb

**Closing by Sponsor:**

00:14:42 Sen. Cobb

**HEARING ON SB 247**

**Opening Statement by Sponsor:**

00:15:37 SEN. JIM ELLIOTT (D), SD 7, opened the hearing on SB 247, Revise minimum benefit in highway patrol retirement system.

**Proponents' Testimony:**

00:18:20 Bert Obert, Montana Highway Patrol Officers Association

00:20:42 Tom Schneider, Montana Public Employees Association  
(MPEA)

**Opponents' Testimony:**

00:23:43 Roxanne Minnehan, Executive Director, Montana Public  
Employees Retirement Administration (MPERA)

**EXHIBIT**(sts19a02)

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:27:07 Sen. Shockley to Ms. Minnehan, MPERA

00:28:43 Sen. Rick Laible to Ms. Minnehan, MPERA

**Closing by Sponsor:**

00:29:58 Sen. Elliott

**HEARING ON SB 232**

**Opening Statement by Sponsor:**

00:32:06 **SEN. DAN MCGEE (R), SD 29**, opened the hearing on **SB  
232**, Allowing recall of elected official for changing  
political party affiliation.

**Proponents' Testimony:**

00:38:31 Becky Stockton

**EXHIBIT**(sts19a03)

00:41:42 Doug Nulle

**Opponents' Testimony:**

00:46:28 Jim Farrell, Executive Director, Montana Democratic  
Party

00:50:09 Representative Kendall Van Dyk, HD 49, Billings

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:54:24 Sen. Shockley to Mr. Farrell, MT Democratic Party

00:56:47 Sen. Steve Gallus to Sen. McGee rereferred to Elaine Graveley, Elections Bureau, Secretary of State's Office

00:58:10 Sen. Squires to Ms. Graveley, Secretary of State's Office

00:58:26 Sen. Gallus to Ms. Graveley, Secretary of State's Office

00:59:41 Sen. Squires to Dave Bohyer, Research Director, Legislative Services Division (LSD)

01:00:55 Sen. Balyeat to Rep. Van Dyk

01:04:50 Sen. Jeff Essmann to Rep. Van Dyk

01:06:58 Sen. Cocchiarella to Sen. McGee

01:13:20 Sen. Gallus to Sen. McGee

**Closing by Sponsor:**

01:16:39 Sen. McGee

**HEARING ON SB 176**

**Opening Statement by Sponsor:**

01:19:22 **SEN. CAROLYN SQUIRES (D), SD 48**, opened the hearing on **SB 176**, Recovery of expenses for challenging rule adopted in violation of MAPA.

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:** None.

**Closing by Sponsor:**

01:21:17 Sen. Squires closed on SB 176 by requesting that it be tabled.

**HEARING ON SB 177**

**Opening Statement by Sponsor:**

01:21:27 **SEN. CAROLYN SQUIRES (D), SD 48**, opened the hearing on SB 177, Extend time for challenging agency actions.

**Proponents' Testimony:**

01:23:17 Dal Smilie, Chief Legal Counsel, Department of Administration

01:24:17 John Barrows, Montana Newspaper Association

**Opponents' Testimony:** None.

**Informational Testimony:**

01:26:19 Sheryl Wood, Associate Director, Montana Association of Counties (MACo)

**Questions from Committee Members and Responses:**

01:26:42 Sen. Shockley to Ms. Wood, MACo

**Closing by Sponsor:**

01:27:09 Sen. Squires

**EXECUTIVE ACTION ON SB 176**

01:28:17 **Motion:** SEN. COCCHIARELLA moved that SB 176 DO PASS.

**Discussion:**

01:28:57 Sen. Tropila to Sen. Squires

01:29:30 **Substitute Motion/Vote:** SEN. TROPILA made a substitute motion that SB 176 BE TABLED. Substitute motion carried 7-4 by roll call vote with SEN. BALYEAT, SEN. ESSMANN, SEN. LAIBLE, and SEN. LEWIS voting no.

**EXECUTIVE ACTION ON SB 177**

01:31:04 **Motion/Vote:** SEN. COCCHIARELLA moved that SB 177 DO PASS. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 232**

01:31:46 Motion/Vote: SEN. COCCHIARELLA moved that SB 232 BE TABLED. Motion that SB 232 BE TABLED carried 6-5 by roll call vote with SEN. BALLYEAT, SEN. ESSMANN, SEN. LAIBLE, SEN. LEWIS, and SEN. SHOCKLEY voting no.

EXECUTIVE ACTION ON SB 136

01:33:06 Motion/Vote: SEN. TROPILA moved that SB 136 DO PASS. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 235

01:33:44 Motion: SEN. GALLUS moved that SB 235 DO PASS.

01:34:15 Motion: SEN. LEWIS moved that #SB23501.ABD DO PASS. Motion carried unanimously by voice vote.

EXHIBIT(sts19a04)

01:35:44 Motion: SEN. GALLUS moved that SB 235 DO PASS AS AMENDED.

Discussion:

01:35:58 Sen. Laible to Sen. Gallus

01:37:04 Sen. Tropila

01:37:34 Sen. Squires

01:37:54 Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 11

01:38:09 Motion: SEN. COCCHIARELLA moved that SB 11 DO PASS.

01:39:15 Motion: SEN. COCCHIARELLA moved that #SB001101.ABD DO PASS.

EXHIBIT(sts19a05)

Discussion:

01:39:29 Sen. Balyeat to Sen. Cocchiarella

01:41:36 **Vote:** Motion #SB001101.ADB DO PASS carried unanimously by voice vote.

01:41:47 **Motion:** SEN. COCCHIARELLA moved that SB 11 DO PASS AS AMENDED.

**Discussion:**

01:42:02 Sen. Balyeat to Sen. Cocchiarella

01:43:16 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 82**

This Executive Action is invalid. SB 82 was transmitted to the House of Representatives on January 18, 2007.

01:43:23 **Motion:** SEN. COCCHIARELLA moved that SB 82 DO PASS.

**Discussion:**

01:43:59 Sen. Cocchiarella

01:44:56 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 113**

01:45:29 **Motion:** SEN. LEWIS moved that SB 113 DO PASS.

01:45:47 **Motion:** SEN. LEWIS moved that #SB011301.ABD DO PASS.

**EXHIBIT**(sts19a06)

**Discussion:**

01:45:51 Sen. Lewis

01:47:05 Sen. Squires

01:47:32 Sen. Shockley

01:47:41 Sen. Lewis

01:47:52 Sen. Squires

01:48:02 **Vote:** Motion #SB011301.ADB DO PASS carried unanimously by voice vote.

01:48:11 **Motion:** SEN. LEWIS moved that SB 113 DO PASS AS AMENDED.

**Discussion:**

01:48:21 Sen. Shockley to Sen. Lewis

01:48:56 Sen. Essmann

01:49:48 **Motion/Vote:** SEN. LEWIS moved that SB 113 DO PASS AS AMENDED. Motion passed 8-1 with SEN. BALYEAT voting no.

**EXECUTIVE ACTION ON SB 172**

01:50:41 **Motion/Vote:** SEN. TROPILA moved that SB 172 DO PASS. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 181**

01:51:32 Sen. Squires

01:52:10 **Motion:** SEN. GALLUS moved that SB 181 DO PASS.

**Discussion:**

01:52:56 Sen. Essmann to Sen. Gallus

01:53:30 Ms. Wood, MACo

01:54:14 Sen. Squires to Mr. Bohyer

01:55:06 **Vote:** Motion that SB 181 DO PASS carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 239**

**Discussion:**

01:55:31 Sen. Balyeat

01:56:06 **Motion/Vote:** SEN. BALYEAT moved that SB 239 DO PASS. Motion carried unanimously by voice vote.



**ADJOURNMENT**

Adjournment: 4:55 P.M.

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SEN. CAROLYN SQUIRES, Chairman

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LOIS O'CONNOR, Secretary

CS/lo

Additional Exhibits:

**EXHIBIT ([sts19aad.pdf](#))**